

City of Taylorsville
Planning Commission Meeting
Minutes
Tuesday – September 14, 2004 – 7:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Angelo Calacino, Chairman
Aimee Newton
Ted Jensen
Phil Hallstrom
Kristie Overson
Joan Rushton-Carlson
Blaine Smith
Excused: Dama Barbour

Community Development Staff

Mark McGrath, Director
Michael Maloy, City Planner, Dist 2
Nick Norris, City Planner, Dist 1
Jean Gallegos, Secretary/Recorder
Excused: Dan Udall

Public: Taunie Anderson, James Anderson, Edo Rottini, Tonya Bentley, Tommy Bentley, Rebecca McPherson, Shelbie Goddard, Debbie Goddard, Debbie Pace, Rod Pace, Scott Woodcox, Jessi Stringham, Gloria Dowelle, Ron Dowelle, John R. Jensen, Raymond E. Howes, John Bitting, Tom Davies, Gail Zitting, Carle Mark, Brooke Vargas, Guy Dumas, Shawna (illegible), Linda Child, Lana Fink, Linda Hayes, Grethe Larson, Dale Larson, Denise Luttrell, Joe Mason, Kim Novak, Randall Howes, Russ Wall, Orval Pill, Nancy Pill, Jim Louder, Scott Wagstaff, Bob Dance

[19:02:41](#)

WELCOME: **Commissioner Calacino** called the meeting to order at 7:00 p.m. and explained the procedures to be followed this evening.

Commissioner Calacino advised those in attendance that Agenda #13, Application 25C04 – Westwood Properties, 4700 S. 2700 W., for a roof sign, had been continued indefinitely by the applicant.

HOME OCCUPATIONS

[19:04:24](#)

1. 40H04 **Jessi Stringham, 6431 South Mount Hood Drive (2860 West)** - Photo Studio.
(Nick Norris/Planner).

1.1 Mr. Norris oriented on the site plan, aerial map and images. The applicant is requesting a conditional use permit to operate a photography studio from her residence. The business would be operational Monday through Friday from 10:00 a.m. to 7:00 p.m., with 2 to 3 people coming to the home per week. The studio will be located in the basement of the home and all photo developing would be done off site at a professional lab. **Staff recommends approval subject to the following conditions:**

1.1.1 Receive approval and remain compliant with all applicable reviewing agencies ordinances, including Taylorsville Ordinances 13.57.050 and 13.57.056.

1.1.2 That at least 360 square feet (the equivalent of two parking stalls) of the driveway is allocated for customer use during the approved hours of operation.

1.1.3 The hours of operation are 10:00 a.m. to 7:00 p.m., Monday through Friday.

1.1.4 That customer visits are scheduled by appointment only with at least 30 minutes between appointments.

1.1.5 That the home occupation is clearly incidental and secondary to the use of the land as a single family dwelling.

1.1.6 That the home occupation is subject to review upon complaint.

1.2 **APPLICANT ADDRESS:** Jessi Stringham was present, advised she had read Staff's conditions and had no compliance problems with any of them.

1.3 **SPEAKING:** None.

1.4 **MOTION:** [19:05:58 Commissioner Hallstrom](#) - Since there appears to be no traffic problems and this is a low intensity use, I move for approval.

SECOND: [Commissioner Newton](#).

VOTE: [Commissioner Newton – AYE](#), [Commissioner Jensen – AYE](#), [Commissioner Hallstrom – AYE](#), [Commissioner Overson – AYE](#), [Commissioner Rushton-Carlson – AYE](#). Motion passes unanimously.

[19:07:37](#)

2. 43H04 **Debbie Pace, 4938 South Hidden Cove Drive (1080 West)** - Family Day Care.
(Dan Udall/Planner) (Michael Maloy to make presentation).

2.1 Mr. Maloy oriented on the site plan, aerial map and images. The applicant is requesting a family child day care home occupation in her home with eight children coming per day. There is a long one-car driveway on the site. Proposed operation is from Monday to Saturday, 6:00 a.m. to 6:00 p.m.
Staff recommends approval with the following conditions:

2.1.1 Receive approval from and remain compliant with all applicable reviewing agencies.

2.1.2 That a maximum of eight children can attend the day care each day. The designated number of children includes the caregiver's own children under the age of six who are not yet in full day school.

2.1.3 The home occupation is subject to review upon complaint.

2.1.4 The outdoor play area shall consist of a minimum of 40 square feet in area per child. The hours of operation for the outdoor play area shall not exceed 8:00 a.m. to 8:00 p.m.

2.1.5 The play area shall be located in the rear and/or side yard of the dwelling.

2.1.6 The outdoor play area shall be secured by an appropriate, well-maintained fence not less than four feet in height. The Planning Commission may require a fence that exceeds four feet in height as it determines necessary.

2.1.7 The dwelling unit should provide an indoor play area at a minimum of 35 square feet in area per child.

2.1.8 A minimum of two parking spaces shall be provided for clients, customers or patrons in addition to required residential parking.

2.1.9 A maximum of one name plate sign is allowed to be attached to the single-family home. The sign is allowed to be three square feet.

2.1.10 That the home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes.

2.1.11 The dwelling unit and landscaped areas shall be well-maintained.

2.1.12 [Added by Motion] Hours of operation are to be Monday through Saturday from 6:00 a.m. to 6:00 p.m.

2.2 **APPLICANT ADDRESS:** Debbie Pace was present. Commissioner Rushton-Carlson commented that she had observed a for sale sign on the home and wanted to know the status of that. Mrs. Pace said they had just moved into the home from Pleasant Grove where she had this same type of home occupation. It is her intent to continue this business out of her new home in Taylorsville. She advised that the back yard is completely enclosed with a 6' high fence.

2.3 **SPEAKING:** None.

2.4 **MOTION:** 19:09:47 Commissioner Rushton-Carlson - I move to approve Application #43H04 subject to Staff's recommendations.

SECOND: Commissioner Hallstrom

DISCUSSION: Commissioner Overson -Hours of operation are not listed in Staff's recommendations and need to be added. 19:11:01. Commissioner Rushton-Carlson - I thought that was included on the home occupation application, which says Monday to Friday and some Saturdays from 6:00 a.m. to 6:00 p.m. I would like to include that as part of the motion. Commissioner Hallstrom - That is agreeable to the second. 19:11:32 Commissioner Jensen - I would like to recommend that we change the 4' high fence to be 6' high so that it matches what is existing and keep it consistent. Commissioner Calacino - We could just make a note that the existing fence is already 6' high. Commissioner Hallstrom - We don't know that for a fact and I don't want to create a problem for the applicant. Commissioner Overson - We know the minimum is 4' high. Commissioner Calacino - It is an understood. If the minimum is 4' and they are in excess of that, it is covered. The second amendment fails due to lack of a second.

19:12:31 Commissioner Calacino clarified the motion: We have a motion to approve as proposed by Staff, with the amendment to have the hours noted as being Monday through Saturday, 6:00 a.m. to 6:00 p.m.

VOTE: Commissioner Newton – AYE, Commissioner Jensen – AYE, Commissioner Hallstrom – AYE, Commissioner Overson – AYE, Commissioner Rushton-Carlson – AYE.
Motion passes unanimously.

19:13:18

3. 44H04 **Scott Woodcox, 5992 South Family Tree Place (1600 West)** - Photo Studio.
(Michael Maloy/Planner)

3.1 Mr. Maloy oriented on the site plan, aerial map and images. The applicant would like to operate a photography studio within his home. The proposed hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday. The applicant anticipates that four or five customers may come to the home per day maximum, however, he could have up to two people at his residence at one time. There will be no "dark room" for film developing on this site. **Staff recommends approval of the Class C Permit with the following conditions:**

3.1.1 Receive approval from and remain compliant with all applicable reviewing departments and agencies of the City (i.e., City Building Official, Fire Marshal, Business Licensing, etc.)

3.1.2 Applicant must comply with all applicable regulations for a Home Occupation Class C permit (See 13.57.050 and 056).

3.1.3 Hours of operation shall be limited to Monday through Friday from 8:00 a.m. to 5:00 p.m.

3.1.4 No more than five customers may come to the home per day and must be by appointment only. Photography sessions shall be scheduled a minimum of 30 minutes apart.

3.1.5 The home occupation is subject to review upon complaint.

3.1.6 Other conditions as deemed appropriate by the Commission.

3.2 **APPLICANT ADDRESS:** Scott Woodcox was present, advised he had read Staff's recommendations and had no problems or questions concerning any of them. 19:15:16 Commissioner Jensen asked Mr. Woodcox if he had discussed this with the home owner's association and Mr. Woodcox said he had not but did not anticipate any problems.

3.3 **SPEAKING:** None.

3.4 **DISCUSSION:** 19:15:44 Commissioner Hallstrom said that the access to this particular site is marginal but that is not a concern of this Commission. It will just make it more difficult for him to sell his business at this particular location and given the fact that it is a gated community would make it difficult for someone outside to enter but that too is not a concern for the Commission.

3.5 **MOTION:** 19:16:08 Commissioner Hallstrom - I would recommend approval of this application on the basis that this would be a fairly low impact.
SECOND: Commissioner Rushton-Carlson
VOTE: Commissioner Newton – AYE, Commissioner Jensen – AYE, Commissioner Hallstrom – AYE, Commissioner Overson – AYE, Commissioner Rushton-Carlson – AYE.
Motion passes unanimously.

19:17:04

4. 45H04 **Taunie Anderson, 1060 W. 4800 S.** - Family Child Day Care . (Dan Udall/Planner)
(Michael Maloy will present this item)

4.1 Mr. Maloy oriented on the site plan, aerial map and images. The applicant is requesting a family child day care home occupation for up to eight children per day. The applicant has two children who will be attending the child day care that are under the age of six. Proposed hours of operation are from 6:00 a.m. to 5:00 p.m., Monday through Saturday. A maximum number of six children will be coming to the site at one time. There is a long driveway that accesses the garage in the rear and a deep lot with a single-family home behind the home.

4.1.1 **Staff recommends approval with the following conditions:**

4.1.1.1 Receive approval from and remain compliant with all applicable reviewing agencies.

4.1.1.2 That a maximum of eight children can attend the family day care home occupation each day. The designated number of children includes the caregiver's own children who are under the age of six and not yet in full day school.

4.1.1.3 The home occupation is subject to review upon complaint.

4.1.1.4 That the outdoor play area shall consist of a minimum of 40 square feet in area per child. That the hours of operation for the outdoor play area shall not exceed 8:00 a.m. to 8:00 p.m.

4.1.1.5 The outdoor play area shall be secured by an appropriate, well-maintained fence not less than four feet in height. The Planning Commission may require a fence that exceeds four feet in height as it determines necessary. This fences in area includes the usable rear yard for the home.

4.1.1.6 The dwelling unit should provide an indoor play area at a minimum of 35 square feet in area per child.

4.1.1.7 A minimum of two parking spaces shall be provided for clients, customers or patrons in addition to required residential parking.

4.1.1.8 A maximum of one name plate sign is allowed to be attached to the single-family home. The sign is allowed to be three square feet.

4.1.1.9 That the home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes.

4.1.1.10 The dwelling unit and landscaped areas shall be well-maintained.

4.1.1.11 [\[Added by Motion\] The hours of operation shall be from 6:00 a.m. to 6:00 p.m., Monday through Saturday.](#)

4.2 **APPLICANT ADDRESS:** Taunie Anderson was present, advised that she had read the Staff's conditions and had no problems or concerns with any of them.

4.3 **SPEAKING:** None.

4.4 **MOTION:** [19:18:05 Commissioner Overson - I would like to make a motion that we approve Application 45H04 with Staff's recommendations, particularly noting Recommendation #5 that the outdoor play area shall be secured by an appropriate well-maintained fence, not less than 4' in height \(I am comfortable with the 4' height, just making sure that the applicant is aware that the play area needs to be totally fenced\).](#)
[19:18:43. Also adding Recommendation #11, the hours of operation to be Monday through Saturday from 6:00 a.m. to 6:00 p.m.](#)
SECOND: [Commissioner Newton.](#) **Commissioner Newton** – Has Staff not been including the hours of operation in their recommendations because we have set hours for day care of 6:00 a.m. to 7:00 p.m.? [19:19:34 Mr. Maloy](#) - I have not done a home occupation day care since the new home occupation ordinance was adopted. I don't know if it just an oversight on the part of the planner or just as stated in the ordinance. Mr. Chairman – May I make a point of discussion before we vote on the motion? **Commissioner Calacino** - Yes. **Mr. Maloy** - Historically, what we have done with fencing is that we have always preferred to have 6' high fencing and where there has not been fencing, we have required it to be 6'. The new ordinance recognizes that. The minimum is 4', however, the Planning Commission can require a higher fence if deemed appropriate. If the fence is not there right now, I wonder if the Commission may want to require a 6' high fence, consistent with what we have done in the past. **Commissioner Overson** - I am familiar with the area and I think it is ideal for a day care because it is set back from the road. For this site I am comfortable with a 4' high fence.

[19:20:47 Commissioner Newton](#) - (To the applicant) - Is there a fence in place now? **Mrs. Anderson** - Not all sides are fenced at this point. The neighbor on the side has a 6' high fence and the neighbor to the east has a 4' or 5' high fence and the house provides a natural barrier. We are just enclosing a portion of the back yard. The 4' high fence is away from the

play area, so there won't be a problem. (The applicant was speaking from the audience, so her comments are not provided in their entirety). **Commissioner Hallstrom** - The comments made about the ideal condition of this particular location for day care use is entirely accurate. In view of that I would not have a problem at all with the comment that 4' high on the balance may be just fine. [19:22:24](#). **Commissioner Jensen** - On Recommendation #5, I would propose we change "may" to "shall" require a fence. **Commissioner Calacino** - It says shall be secured by an appropriate, well-maintained fence not less than four feet in height." **Commissioner Jensen** - I propose changing the next sentence to read, "The Planning Commission shall require a fence that exceeds 4' in height. **Commissioner Calacino** - I don't see the need to change that since 4' is already the minimum requirement. A proposal has been made to amend the motion to require the 6' fence. Is there a second to that motion? Seeing none, I will ask for a vote on the motion and the first amendment to add the hours of operation.

VOTE: Commissioner Newton – AYE, Commissioner Jensen – AYE, Commissioner Hallstrom – AYE, Commissioner Overson – AYE, Commissioner Rushton-Carlson – AYE. Motion passes unanimously.

[19:26:27](#)

5. 46H04 **Lana Fink, 3951 West 6135 South** – Personal Coaching/Consulting. (Nick Norris/Planner)

5.1 Mr. Norris oriented on the site plan, aerial map and images. Applicant is requesting to operate a personal coaching and consultation business from her home Monday through Saturday. The applicant has stated that the hours of operation will vary but will primarily be in the afternoons and evenings. One to two customers would be coming to the home per day, with only one customer at a time.

5.1.1 **Staff recommends approval with the following conditions:**

5.1.1.1 Receive approval and remain compliant with all applicable reviewing agencies, including Taylorsville Ordinances 13.57.050 and 13.57.056.

5.1.1.2 That at least 360 square feet (the equivalent of two parking stalls) of driveway is allocated for customer use during the approved hours of operation.

5.1.1.3 The hours of operation are 6:00 a.m. to 8:00 p.m., Monday through Saturday.

5.1.1.4 That customer visits are scheduled by appointment only with at least 30 minutes between appointments.

5.1.1.5 The home occupation is clearly incidental and secondary to the use of the land as a single family dwelling.

5.1.1.6 The home occupation is subject to review upon complaint.

5.2 **APPLICANT ADDRESS:** Ms. Fink was present, indicated she had read Staff's recommendations and had no problems with any of them.

5.3 **SPEAKING:** None.

5.4 **MOTION:** [19:27:59](#). **Commissioner Newton - I move for approval of Application 46H04 because it is a low intensity use within the neighborhood.**
SECOND: **Commissioner Hallstrom**
VOTE: **Commissioner Newton – AYE, Commissioner Jensen – AYE, Commissioner Hallstrom – AYE, Commissioner Overson – AYE, Commissioner Rushton-Carlson – AYE. Motion passes unanimously.**

CONDITIONAL USES

6. 26C04 **Shelbie Goddard, 5031 S. Galileo Lane** – Fancier Permit. (Dan Udall/Planner)
(Presentation by Nick Norris)
-

6.1 Mr. Norris oriented on the site plan, aerial map and images. The applicant has requested a conditional use permit for an animal “Fancier’s Permit” to allow three Labrador Retriever dogs on her property. One animal is five years old and the other two are four months old. The applicant advised that the puppies go outside from 10:00 a.m. to 2:00 p.m. and the remainder of the time are kept inside. The other dog usually stays inside.

6.1.1 **Staff recommends approval with the following conditions:** [19:30:18](#)

6.1.1.1 That the use is reviewed upon by complaint with all requirements of applicable reviewing agencies.

6.1.1.2 Conditional Use Permit is subject to review upon substantiated and unresolved complaints (complaints which cannot be resolved by City Staff or Salt Lake County Animal Services personnel may be grounds for permit revocation).

6.1.1.3 Fancier’s permit shall be limited to three Labrador Retrievers being allowed on the property.

6.1.1.4 The applicant needs to apply with all requirements that are applicable under Chapter 8 (Animal permit regulations).

6.2 **DISCUSSION:** **Commissioner Calacino** asked if there had been any complaints filed against this applicant, to which Mr. Norris replied there had been none through Animal Services, however, that the planner had received some barking complaints directly.

6.3 **APPLICANT ADDRESS:** **Shelbie Goddard** was present and advised she was unaware of any complaints having been filed about the barking. The puppies were three months old and were put outside in covered dog runs and the first day in there they did bark but since then have adjusted and do not bark. [19:31:50](#)

6.4 **SPEAKING:** None.

6.5 **DISCUSSION:** **Commissioner Hallstrom** asked for a definition of a Fancier’s Permit. [19:32:18](#). **Mr. Norris** advised that a Fancier’s Permit allows for more than two dogs or cats, provided they are registered with a kennel club and licensed with Salt lake County Animal Services. They do not need to be neutered. This permit is to allow the owners to have one additional dog, for a total of three. [19:33:34](#).

6.6 **MOTION:** [19:34:00](#) **Commissioner Rushton-Carlson** - I move for approval of Application #26C04 in accordance with Staff’s recommendations.
SECOND: **Commissioner Newton**
VOTE: **Commissioner Newton** – AYE, **Commissioner Jensen** – AYE, **Commissioner Hallstrom** – AYE, **Commissioner Overson** – AYE, **Commissioner Rushton-Carlson** – AYE.
Motion passes unanimously.

[19:34:48](#)

7. 27C04 **Tommy Bentley, 4917 S. 3600 W.** - Animal Hobby Permit. (Nick Norris/Planner)

7.1 Mr. Norris oriented on the site plan, aerial map and images.

7.1.1 **Staff recommends approval with the following conditions:**

7.1.1.1 That the Conditional Use Permit is reviewable upon complaint.

7.1.1.2 That all Taylorsville City licensing requirements are met.

7.1.1.3 That all of the requirements of applicable agencies (Salt Lake Valley Health Department and Salt Lake County Animal Services) be met and adhered to.

7.1.1.4 That final approval of the conditional use permit is granted by Staff.

7.2 **DISCUSSION:** **Commissioner Hallstrom** [19:36:45](#) asked if this permit limits the number of dogs they can have, to which **Mr. Norris** replied that approval is specifically for the animals identified in the application, in this case, the two miniature Dachshunds. **Commissioner Smith** wanted to know if it could be replaced in the event of death. **Mr. Norris** said it could not, that the owners would need to reapply with a new permit.

7.3 **APPLICANT ADDRESS:** **Tommy Bentley** and **Rebecca McPherson** were both present and said they would hold their comments until after the others have spoken.

7.4 **SPEAKING:**

7.4.1 [19:38:25](#) **John Zane** (Property is located on the north side of this site)._ Mr. Zane moved in 40 years ago and during that time, seven dogs had been brought in slowly. Mr. Zane filed a judgment against the property owner and they moved. Mr. Zane's bedroom is 8' from that property line and his patio is 50' away from their fence line. A year ago, Becky McPherson moved in with the two miniature Dachshunds, which continually bark. Mr. Zane said that this continual barking makes it impossible for them to enjoy their back yard. He did not file a complaint because of his experience with the previous neighborhood and did not want to create feelings. A month ago, two more dogs (one a full grown female Rottweiler and an undetermined breed gray colored dog) were brought in by family members. The Rottweiler barks continuously and Mr. Zane asked Mrs. McPherson to do something about that. The properties are half acre lots and he asked her to move the fenced kennel, which is on the east side of the garage, 8' from his bedroom, to another location. She did move the kennel to the north side of the property but the dogs still bark continually. Mr. Zane's fence is 4' high and he feared that would not stop a dog the size of a Rottweiler. His concern is for the children's safety because there have been children bitten by those dogs and he wants to eliminate the chance of that recurring. Even though the fence is on the north side of the house, the dogs still roam the yard during the day time. Mr. Zane again complained to Ms. McPherson about the problems with the dogs. After being awakened at 2:00 a.m. by the dogs barking, the next morning he went over to her home and told them their dogs were driving him crazy and that he felt like killing them and that he would call the Sheriff's Office if they didn't do something about the problem. Mr. Zane said he disliked the dogs because of past events. He said the dogs are driving the neighborhood crazy and he obtained a petition with 27 signatures against this application. He said that the whole neighborhood is upset over these dogs and asked that this be disapproved so they may again return to peace and quiet in their back yard.

Commissioner Hallstrom - [19:43:52](#) asked Mr. Zane about the "red" dogs. **Mr. Zane** advised they were the Dachshunds and were there first. The large gray sheep dog came later. The point is they have three dogs which are continually barking and upset the entire neighborhood.

Commissioner Overson - You have not contacted Animal Services? **Mr. Zane** - The neighbor called the police last Sunday because I went across my yard with a tape recorder. I wanted to bring that

tape with me tonight to let the Commissioners hear what I and the neighborhood hear everyday. After I went through my yard, I walked down the sidewalk to the north side of the house and I had my tape recorder going and I stepped off the sidewalk in the field next to their property. I did not step on their property as they have claimed. [19:47:33](#) **Commissioner Overson** - The question is, have *you* contacted the Animal Services? **Mr. Zane** – No contact has been made with Animal Services because I was hoping we could handle this in a friendly manner but it doesn't look like that will be possible. The police came to me upon complaint by these neighbors and I turned in a complaint at that time.

7.4.2 **Robby Macintosh** (indicated on the map where her home is located). She advised that she has not heard any dogs barking and has lived in the immediate vicinity for eighteen years.

7.4.3 **John Jensen** (Lives three houses to the north) [19:48:50](#) He said between 4850 South and this address there are ten dogs and some bark all day and some all night. He has been frightened by the dogs coming up to the sidewalk as he walked by this house. He signed the petition.

7.4.4 **Guy Dumont** - [19:49:28](#). Mr. Dumont cuts lawns in the neighborhood and said that these dogs run loose in the yard and the Rottweiler has tried to bite him. He considered the other dogs to be nuisances as well. He was not in favor of allowing this permit.

7.4.5 **Emily Davies** - [19:50:10](#). (Lives diagonal from this property). She said she loves dogs but felt there should be a limit of two per home. There are a lot of dogs in the neighborhood and a person cannot tell which area the barking is coming from and felt strongly about limiting the number of dogs to two per household.

7.4.6 **Ron Dable** - [19:51:04](#) (Lives one lot to the north and behind this site, connecting with this property at the corner). He advised that in the evening he is not bothered a lot by the barking, however, the dogs are there and they do make a lot of noise. He normally waters his lawn at 2:00 or 3:00 a.m. and that agitates the animals. His wife likes to work in the back yard at 6:00 a.m. The peace and calm is broken apart by all the noise made by the dogs. The smell is bad and the dogs are definitely a nuisance. He was against approving this application.

7.5 **APPLICANT ADDRESS: Tommy Bently and Rebecca McPherson.**

7.5.1 [19:53:11](#). **Ms. McPherson** said that the way she understood it was the two dogs in question are the miniature Dachhunds. Both have been fixed and all shots are up-to-date. The male is eight months old and does bark. The 6-year old female one does not. Ms. McPherson is in the process of trying to "house break" the puppy, so the dogs have been left outside a lot during the day. Usually both dogs are in the house all day long except when she goes to work and when she comes home from work she lets them out. Her fence which faces John Zane's property is 4' high. She said she has made sure that the dogs cannot get under the fence or out through the gate and doesn't let the Rottweiler out unless someone is home. She has a small grandson who plays with all the dogs and she would not have a dog that attacks a child and if that ever happened, the dog would be taken away. The main complaints have been against the two Dachhunds. Mr. Zane was out there tape recording and taking pictures of the dogs and agitating the dogs so they would bark when he recorded them. After that, Tommy Bentley went over and confronted him and Mr. Zane said he would not use the tape in court. Mr. Zane did inform her that sometimes during the day, he would take pictures of the dogs in her back yard. The dogs don't know him and will bark. She said she believed that it was illegal and filed a complaint when she found out that he was tape recording the dogs after having agitated them into barking. The police have responded two or three times to her complaints and each time they have walked right in the yard and the dogs have not barked. She was served papers by someone on the committee. The person who served the papers never had heard the dogs bark and didn't even think the dogs were there. Ms. McPherson felt the dogs were very well behaved. She said that Mr. Zane's complaint is that the dogs bark during the day and he said he would do whatever necessary in order to get rid of them. He suggested that their voice box be removed which she felt was inhumane and would not comply. The dogs do not like Mr. Zane and

she could give no reason for that. They do like his grandchildren. As far as all the neighbors complaining is concerned, the one in the corner of the property to the rear has no complaints. Ms. McPherson lives on 3600 West and felt that the people across that street cannot possibly hear the dogs. The Rottweiler is kenneled towards the north side of the house, which is even with the house. School kids going by were throwing sticks at the dogs, and it turned out to be they were John Zane's grand kids and she did file a police report. The purpose of having a dog is to let you know someone is around and they do bark as the school children pass by and for two or three minutes in the morning when the newspaper is delivered. Other than that they don't bark during the day unless there is someone out back. As far as the smell in the rear yard, she said she cleans it up four times a day. Another comment was that there is no way the miniature dogs could jump the four foot high fence.

7.5.2 **Tommy Bentley** - [19:59:01](#) Mr. Bentley has been living in this home for four months. Mr. Bentley commented that Mr. Zane has threatened to kill his animals and admittedly has trespassed in order to tape record them. Mr. Zane would kick the fence and then record the dogs' reaction, which was observed by Rebecca McPherson. Mr. Bentley advised that there have been three police reports filed regarding this issue.

7.5 **DISCUSSION:**

7.5.1 **Commissioner Calacino** - This sounds like a dispute between neighbors over which this Commission has no authority to arbitrate. The two Dachhunds are the ones at issue.

7.6 **MOTION:** **Commissioner Hallstrom** - [20:00:38](#) I understand from the Justice Court that they hear animal complaints as often as any other type of cases. The Planning Commission has never taken the position and does not want to take the position of being an arbitrator about animals and animal issues. If there is an issue at all, I am not interested in seeing an approval. I think the only cases where I want to see an approval of anything that has to do with animals, any kind of a permit that the Planning Commission can issue, is where there is no comment, no contention, no issue. I am not interested in even looking at this issue until they can come back with an absolutely clean slate and everybody totally happy about the animals. I move for denial of this application.

SECOND: **Commissioner Smith**

VOTE: **Commissioner Newton** – AYE, **Commissioner Jensen** – AYE, **Commissioner Hallstrom** – AYE, **Commissioner Overson** – AYE. Motion passes unanimously.

[20:02:43](#)

8. 14C03 **Dale Kehl, 6183 S. Prairie View Drive** – Monument Sign. (Dan Udall/Planner)
(Presentation by Mark McGrath)

8.1 Mr. McGrath oriented on the site plan, aerial map and images. The applicant is proposing a 22.5 square foot, 3.5' x 6.5' monument sign for a recently constructed office building.

8.1.1.1 **Staff recommends approval with no specific conditions.**

8.2 **DISCUSSION:** [20:05:37](#) **Commissioner Hallstrom** asked if this sign was under the maximum size, to which **Mr. McGrath** replied it was.

8.3 **APPLICANT ADDRESS:** Not present.

8.4 **SPEAKING:** None

- 8.5 **MOTION:** [20:05:57 Commissioner Overson](#) - I will make a motion that we approve Application 14C03. This conforms with the City Ordinance and will be a good addition to a beautiful office building.
SECOND: [Commissioner Newton](#)
VOTE: [Commissioner Newton](#) – AYE, [Commissioner Jensen](#) – AYE, [Commissioner Hallstrom](#) – AYE, [Commissioner Overson](#) – AYE. Motion passes unanimously.

[20:07:04](#)

-
9. 18C04 **Mr. Walt Parcel, Exchange Place II L.C.** – CUP to construct three condominium office buildings. (Michael Maloy/Planner)
-

9.1 Mr. Maloy oriented on the site plan, aerial map and images. The applicant is requesting final approval for construction of three 6,870 square foot professional office buildings located approximately at 5689 S. Redwood Road. The application represents the final phase of development for the Exchange Place Office Park and includes construction of 37 additional parking stalls and a required secondary emergency vehicle access road from 1500 West, which is currently a dirt lane. [20:11:25](#) Mr. Maloy felt there were some areas that needed some additional attention where existing landscaping has died out, which was probably caused by the construction of the adjacent dumpster location. There is a storm drain grate that has been removed and completely silted up, which requires some maintenance. Some trees have died over time and the applicant has agreed to identify the dead trees and replace those. Also, another maintenance issue is that there are a lot of trees that are still staked but do not have guy wires. Those stakes need to be removed entirely because the trees are mature enough and do not require them.

9.1.1 **Staff recommends final approval with the following conditions:**

9.1.1.1 All conditions of preliminary approval are to remain in effect with the following exception:

Sidewalks adjacent to parking stalls may be reduced in width from 6 feet where warranted and approved by the Commission.

9.1.1.2 Previous phases of construction must be maintained as per City Code and in compliance with prior conditional use permits.

9.1.1.3 Parking stall located at the southeast corner of the building addressed as 5667 S. Redwood Road shall be eliminated and replaced with a landscaped corner island.

9.2 **DISCUSSION:** [20:13:40 Commissioner Overson](#) advised there were four Staff recommendations displayed on the screen and only three in the Staff report they received in their packet. She said she assumed that if this is approved, it will be approved with the four recommendations. Missing is the recommendation that applicant received approval and remains compliant with all applicable reviewing agencies ordinances, including Taylorsville Ordinance 13.50 (Conditional Uses), which should be included when the motion is made.

9.3 **APPLICANT ADDRESS:** [Alan Hollingshead](#) (Applicant's Agent) and [Mr. Bob Dance](#) (Architect) [20:15:07](#). Mr. Hollingshead commented that they have been working with Staff and have no real issues and have a common goal of wanting to make the project look good. There have been issues with the Condominium Association which the applicant is working out with them. One of the problems encountered is that the white paint that is used on the stairways is powder coating and white is the worst color to work with in that. Therefore, on their next project, they will change to black powder coating. The applicants will keep Staff apprised of the progress on this issue. [20:17:15](#). **Commissioner Calacino** opened up the discussion relative to having or not having fences between this development and IHC. The applicant was not in favor of having the fencing and preferred the openness in the area contingent with IHC, however, would like the fencing to stay in place between this development and the multi-family

units to the north. **Commissioner Hallstrom** commented that the Commission did not disagree with him on that issue but were just concerned that there is an agreement between the applicants and the surrounding land owners and to make sure this is compatible with that. **Mr. Hollingshead** said he would contact IHC and let Staff know the status. **Commissioner Jensen** asked about the possibility of merging the northern access and the driveway on this development, which would make it a better access for both entities. **Mr. Dance** said that there was conversation previously to his time but it didn't go anywhere but that he had no objections to bringing up that issue again. [20:18:21](#). He continued on to say that if that is something IHC wants to consider, it certainly is something that could be looked at. His assumption was that because of the type of facility IHC has, that they may want a little more control over where those cars are coming in and out due to the fact that it is basically in one location.

9.4 **SPEAKING**: None.

- 9.5 **MOTION: 20:19:22 Commissioner Rushton-Carlson - I move for approval of Application 18C04 with Staff's recommendations and that the architect work with Staff on the access.**
SECOND: Commissioner Hallstrom - I will second that, assuming Staff will track this and follow-up.
VOTE: Commissioner Newton – AYE, Commissioner Jensen – AYE, Commissioner Hallstrom – AYE, Commissioner Overson – AYE. Motion passes unanimously.

[20:20:14](#)

-
10. 28C04 **Mr. Edo Rottini, 5667 S. Jordan Canal Road** - Conditional Use Permit to construct an 1,800 square foot detached accessory structure. (Michael Maloy/Planner) (Preliminary)
-

10.1 Mr. Maloy oriented on the site plan, aerial map and images. Mr. Rottini intends to use the proposed building primarily for storage of home, garden and lawn equipment. This includes a paved driveway to the proposed structure. [20:23:29](#)

10.1.1. **Staff recommends preliminary approval with the following conditions:**

10.1.1.1 Applicant shall receive approval from and remain compliant with all applicable reviewing agencies (i.e., Fire Marshall, Building Department, Community Development, etc.) of the City.

10.1.1.2 Accessory building shall not be used for any type of commercial use.

10.1.1.3 Accessory building shall not be used for any type of residential occupancy.

10.1.1.4 Accessory building must be constructed exactly as reviewed and approved by the City. Any variations from approved plans may result in revocation of City issued building permit if not resolved to the satisfaction of the Planning Commission.

10.1.1.5 Accessory building shall not exceed 16 feet in height (measured from original grade to mid-point of roof) or exceed 25% coverage of rear yard (coverage is determined by the sum area of all accessory buildings).

10.1.1.6 Staff shall administrate Final CUP review under the direction of the Planning Commission.

10.1.1.7 Any other conditions determined by the Planning Commission as appropriate to preserve the health, safety and welfare of the community.

10.2 **APPLICANT ADDRESS**: Mr. Edo Rottini was present but did not wish to speak. Mr. Bryan was present to answer questions in behalf of Mr. Rottini.

10.3 **SPEAKING:** None.

10.4 **DISCUSSION:** **Commissioner Hallstrom** asked if the shed in the front yard presently would be removed with the construction of the new building. [20:24:43](#) **Mr. Wright** replied that the shed is framed on concrete and probably would not survive the move. **Commissioner Hallstrom** said that the properties are so large in this area that what one person considers to be essential for their way of living is just fine. He doubted if any of the neighbors would complain about this. **Mr. Wright** did not foresee a problem with fire department access because he met with Tom Smolka from the Fire Department on the site and they measured the distance. **Mr. Maloy** advised that Staff has not received back the report from the fire department as of this date but expressed confidence that there were no issues. **Commissioner Jensen** asked how much of the property would be paved for access to this structure [20:26:41](#). **Mr. Wright** said that probably none of it would be paved. If it turns out to be further than the 150' requirement of the Fire Department, Mr. Rottini would be required to put in a hard surface such as road base for example. The construction material for the building will be brick and siding. **Commissioner Hallstrom** complimented Mr. Rottini on being singularly responsible for the baseball and diamonds presently existing in Taylorsville. **Mr. Maloy** commented on the tool shed issue by saying that that size shed does not require a building permit, however must comply with Code in meeting the side yard setback, which is 15'. [20:28:48](#) He went on to say that technically that structure does not comply with the current zoning ordinances of the City and will need to be relocated or removed from the site altogether.

10.5 **MOTION:** [20:29:25](#) **Commissioner Hallstrom** - I move for approval of this application in accordance with Staff's recommendations. The issue on the accessory building in the front yard is separate from this
SECOND: **Commissioner Overson**
VOTE: **Commissioner Newton** – AYE, **Commissioner Jensen** – AYE, **Commissioner Hallstrom** – AYE, **Commissioner Overson** – AYE. Motion passes unanimously.

[20:29:56](#) - A five minute break was declared by the Chairman [20:35:41](#)

11. 29C04 **Espresso Connection L.L.C., 4465 S. Redwood Road** – Coffee Shop/Internet Building. (Dan Udall/Planner) (Presentation by Mark McGrath)

11.1 **Mr. McGrath** oriented on the site plan, aerial map and images. [20:36:34](#) **Mr. McGrath** gave the Commissioners an alternative site plan at this point which Staff felt would potentially solve some Fire Department issues. [20:41:45](#) He commented that the fencing along the canal, looks like wrought iron but is actually painted aluminum. Some of the unresolved issues include the parking situation. Being a coffee shop, this use is not specifically addressed in the zoning ordinance in terms of parking requirement. The closest thing to this is a restaurant, which Staff loosely based their recommendation on. [20:43:43](#) Given the fact that it isn't specifically addressed in the zoning ordinance, the Planning Commission has the ability to set an appropriate parking standard. The applicants are proposing to have 11 total parking stalls, with one being a handicap stall. The Utah Department of Transportation has jurisdiction along Redwood Road and has required that the applicant create a cross-access easement with property to the south, attempting to minimize driveways on Redwood Road. The applicant is still working with the adjacent property owner on that agreement. Generally the Staff is very supportive of this application use and feels it is a great use across from the Community College and would integrate the college with the City the way the General Plan is proposing. This business will also have a limited lunch menu offered, along with video gaming.

11.1.1 **Staff recommends preliminary approval with the following conditions:**

11.1.1.1 Receive approval from and remain compliant with all applicable reviewing agencies.

11.1.1.2 That the applicant meets the parking requirements for the building.

11.1.1.3 That a lighting plan is provided for the site. That site lighting is designed to be oriented from shining upon any adjacent residences. The Planning Commission should review the design of the lighting structures.

11.1.1.4 That a dumpster is provided on site and meets all City ordinances. The walls of the dumpster should match the architecture of the building. That pick-up of the dumpster is provided when the business is not in operation.

11.1.1.5 That any mechanical equipment at ground level is screened by a wall that matches the colors, building materials, and architecture of the building.

11.1.1.6 Any mechanical equipment on the roof of the building is screened or positioned so that it is not visible from ground level.

11.1.1.7 That lighting, walls, colors, building materials, etc., match or compliment the overall design of the project.

11.1.1.8 That the site receives storm drain approval from City Engineering and that any storm drain fees are submitted to the City.

11.1.1.9 Any signage must comply with City Sign Ordinances.

11.1.1.10 The Planning Commission approves the final conditional use permit.

11.1.1.11 That a planting plan be provided to the Planning Commission delineating planting locations and species.

11.1.1.12 That landscaping along Redwood Road is bermed and is a minimum of 15' wide, planted with trees. That the trees are planted at a minimum of 2 1/2" in caliper.

11.1.1.13 The Planning Commission reviews a material board.

11.1.1.14 The driveway receives approval from UDOT and the property owner to the south.

11.1.1.15 The design of the southern driveway aisle meets Fire Department approval.

11.1.1.16 The Planning Commission reviews the design of the fence adjacent to the canal.

11.1.1.17 The sidewalk on the south side of the building is a minimum width of 6'.

11.1.1.18 **[Added by Motion] Applicant shall move the handicap parking stall to a more suitable location.**

11.1.1.19 **[Added by Motion] Provide a landscape island at the west end of the parking row.**

11.1.1.20 **[Added by Motion] Provide a 6' wide sidewalk on the south end.**

11.1.1.21 **[Added by Motion] Preserve as many mature trees as possible.**

11.1.1.22 **[Added by Motion] Provide signage to warn vehicular traffic about pedestrian presence.**

11.2 **DISCUSSION** [20:46:17](#) **Commissioner Overson** was curious to know if UDOT is okay with the left turn out of this site. **Mr. McGrath** advised he was not sure of the answer to that but that UDOT is requiring a median be placed in Redwood Road. **Commissioner Hallstrom** questioned why the visual orientation of the building was towards the canal and **Mr. McGrath** replied that the applicants are trying to take advantage of the green space in the rear. To soften the relatively stark appearance of the front of the building, they have added a columnar element. **Commissioner Hallstrom** commented that the drive through would probably help alleviate the deficit in the amount of parking being provided, with which **Mr. McGrath** agreed. **Commissioner Smith's** concern was not with the community college but rather students from Eisenhower Junior High going back and forth and hanging out there

11.3 **APPLICANT ADDRESS:** [20:50:01](#) **Linda Child and Mr. Eaton (Architect)**. Mr. Eaton advised they are looking to use Xeriscaping in order to conserve water. The starkness will be covered with the trees and landscaping. Students from Eisenhower Junior High will have access to the front entrance but were not expected to be steady clients because proven research estimates the median age to drink coffee at 15 years of age. **Ms. Child** commented that the video games are computer based. [20:52:57](#). On the UDOT question of access, she advised that they have been required to install a 75' long median on Redwood Road and move their 30' wide access to the north. There will probably be no left turn into this property if heading south on Redwood Road, however, there will be a left turn allowed out of the site onto Redwood Road. She indicated that they have reached an agreement relative to the access to the south. There is still the concern about if the concrete will hold the weight of the fire equipment but the City is addressing that issue.

11.3.1 [20:55:11](#) **Commissioner Overson** had questions about the handicap accessible stall and because of a safety concern, felt it should be moved away from the drive through access. **Mr. Eaton** said that the stall could be placed elsewhere with no problem and they would look into that. [20:56:20](#). **Commissioner Overson** also asked that the mature trees on the property be maintained and preserved if at all possible. [20:56:55](#) She was also uncomfortable with the issue of junior high students frequenting this site. [20:57:19](#) **Ms. Child** said that the students could learn how to write their own games and get on line and share them with other people throughout the world. [20:57:50](#) She went on to say that there would be certain hours during which they would not be allowed in the facility so as not to impact their education. **Commissioner Overson** asked if there would be any roasting of coffee beans on the premises and **Ms. Child** said there would not. The menu will be very limited and provide only pastries, sandwiches and deserts in the evening, along with the different types of coffee and other beverages. **Commissioner Overson** expressed concern that there may be conflict with the students passing by on their way to school and asked if there could be some type of signage posted to control the cars from just pulling out without looking. **(Partner of the applicant – not identified)** indicated from the audience that most kids are bused to Eisenhower Junior High and don't walk along Redwood Road. **Commissioner Overson** disagreed and said there were many kids who do walk along Redwood Road and there is a need for the requested signage for safety reasons. **Ms Child** said they would provide that signage.

11.3.2 [21:02:14](#) **Commissioner Smith** commented that he lives in the area and agrees that Redwood Road is dangerous especially early in the morning.

11.3.3 [21:03:07](#) **Commissioner Newton** asked Mr. Eaton why they didn't move the building up and flip it to accommodate the drive through on the other side where the parking is located. **Mr. Eaton** advised that it was the only way to make the site work, after looking at many configurations.

11.3.4 **Commissioner Rushton-Carlson** asked if there were a bicycle rack on the property and Mr. Eaton replied that there is one on the plan.

11.3.5 [21:04:10](#). **Commissioner Jensen** suggested moving the building to the north and rotating it diagonally so that the main entrance is on the west and the drive through on the south side. He felt that would be better for business, access and the drivers. [21:04:28](#) The people from the college could cross the road and immediately going into the entrance. They would bypass the automobile traffic that way and free up more space for parking. **Ms. Child** - There is a sidewalk being installed which extends from the corner where the light is, to the back patio, so that the students or anyone else who wants to enter from that direction are not involved with the parking area or automobiles whatsoever. This is a nice, quiet, safe entrance to the property. **Commissioner Jensen** commented that even so, he felt his idea was a better design for the site. [21:08:11](#) **Ms. Child** said that Redwood Road is still their main concern and they wanted to place the patio away from that and nearer to the green space.

11.3.6 [21:10:09](#) **Commissioner Calacino** offered the following suggestions: Move the handicap unloading spot away from directly in front of the main entry to keep a visual element. It doesn't matter if this is a handicap space or not, they would actually be stepping out into the drive through. If there is anyway to configure this portion of the southern end of the drive through, it might allow room to at least put a minimum of 5' wide landscape buffer right there to protect those who are getting in and out of the vehicle on the end. **Commissioner Calacino** strongly encouraged the applicants to look at that suggestion. There can actually be a 15' minimum setback along Redwood Road, so even if the curb was taken straight down and the 28' radius installed there, the central median feature may be maneuvered to be able to still maintain the colonnade by shifting to the west a little and flaring out to provide a landscape buffer. At least try and put a little landscaping strip along the fence between the patio and the canal just to accent and soften the hard-scape with the fencing material with low shrubbery and perennials. **Ms. Child** outlined the type of landscaping they planned to provide. **Commissioner Calacino** said he knew there would be landscaping on the south and north but did not see anything directed for the patio area to the east. He asked about the color scheme of the building and Mr. Eaton explained that there would be red split face brick on the top and concrete with a metal strip. The plans including embedding rock in the concrete portion of the building later on. The reason for not including that right now is financial. [21:13:35](#). **Commissioner Calacino** suggested the applicant look at a sidewalk on the south end. There is one projected for the north side to pick up as much foot traffic where the signal is but any pedestrian traffic coming from the south will have to cross the drive but there probably should be a sidewalk in line with the sidewalk and paving gets striped and the sidewalk comes out. [21:13:51](#) There will be some pedestrian activity so maybe if they are directed away from the parking area it would be worth looking into doing.

11.4 **SPEAKING:**

11.4.1 **Randal Howes – Beechwood Circle - Mr. Howes** runs a business on the property to the south and advised that the plan being displayed this evening is not the same one he saw originally [21:14:50](#). **Mr. Howes** sent a letter to the Planning Commission yesterday but found most of those items have changed with the new plan. The first issue was access – essentially the applicants are blocking off with curb and gutter almost all of **Mr. Howes'** frontage and they are willing to grant him an easement to basically extend his access, which is acceptable to **Mr. Howes**. He is happy with the installation of the median and the loss of the left turn access onto the east side of Redwood Road [21:16:01](#). There were some concerns about joint easement and encroachments which have been resolved. There was a question about the asphalt because **Mr. Howes'** driveway was engineered for light-weight vehicles and he would like the 7' shared access paved to the same specifications as is on the other side. During construction, **Mr. Howes** wants to make sure there is access in and out of their business at least during the week, which should not be a significant impact because the traffic to his business is fairly light. **Mr. Howes'** final issue is the parking for his business. Presently there are three parking spots which are oriented north and south and two parking spots oriented east and west in front of the garage. The concern is about the safety of coming to those areas because there is a blind spot. He advised that the problem can be solved if they can orient their parking east and west. His final issue is parking availability. There are three parking spots oriented north and south and two spots oriented east and west in front of

the garage. The only problem with that is it will make the available parking area about 2' short, for which he will need a waiver from the City to be in compliance. [21:19:26](#).

11.4.2 **Russ Wall**. **Mr. Wall** commented he was at this meeting tonight as a member of the Chamber West Education Committee, which deals with education issues and business interaction, and not as a City Councilman for Taylorsville. [21:20:32](#) He had a concern about the video gaming, feeling it an attractive nuisance for the junior high kids but he expressed confidence that the owners would self-police. However, these owners may choose to not be in this business after a couple of years and sell to someone else and that responsibility may not transfer over. He suggested putting a condition on there that requires them to limit the junior high kids so that there is some ramification if it not followed through. **Commissioner Hallstrom** suggested asking Staff to research Mr. Wall's questions about underage problems with the City Attorney.

11.4.3 **Joe Mason** (Current resident). **Mr. Mason** advised that he too was concerned about the safety of the children but he felt like the suggested warning sign being posted would be a good motivator for both the vehicle operators and the students to be more cautious. [21:22:59](#)

11.4.4 **Seth Cottrell** indicated that he grew up playing video games and these games are not going to be the type you find at a nickel-cade. These will be more on line video games attractive to young adults rather than junior high school kids.

11.5 **DISCUSSION: Commissioner Calacino** felt Commissioner Hallstrom's comment was correct and that a written opinion should be obtained from the City Attorney before final approval is given. **Commissioner Hallstrom** wanted to know if the Planning Commission or Staff would be involved in the final decision. **Commissioner Calacino** said that he felt comfortable with Staff handling it unless there are unresolved issues with the applicant. [21:25:24](#)

11.6 **MOTION: Commissioner Rushton-Carlson - [21:27:56](#) I move for preliminary approval of Application 29C04 and to have Staff make final approval. If agreement cannot be reached between Staff and the applicant on the final conditions, then it will be brought back to the Commission. [21:29:20](#) Commissioner Calacino, adding conditions that the applicant will be moving the handicap parking stall to a more suitable location, providing a landscape island at the west end of the parking row, providing a sidewalk on the south end, preserving as many trees as possible and providing signage to warn vehicular traffic about pedestrians.**
SECOND: Commissioner Smith
DISCUSSION: Commissioner Newton had a question about advising the applicant how to obtain a variance to accommodate the short fall in parking. **Commissioner Calacino** advised that the applicant should work with Staff on that issue because there may be options available by reconfiguring the existing parking plan. [21:29:53](#) **Mr. McGrath** agreed that would be a separate issue from what is before the Commission this evening and said that Staff would handle that aspect. He brought up the issue of the sidewalk width, which Staff recommended to be 6'. **Commissioner Calacino** agreed that the proposed 4' wide side with accompanying 30" overhang from a car is not adequate and that wheel stops would not be a good idea. **Commissioner Rushton-Carlson** - I would add a condition that the sidewalk width be increased to be 6' along the south edge of the building. [21:31:32](#). **Commissioner Overson** - There also was the issue of checking with the City Attorney on the video issue. **Commissioner Calacino** - Let's just ask Staff to look into that issue and bring a response back to the Commission on their findings. If it is an issue, then it may warrant final approval to come back to the Commission. [21:32:00](#). **Mr. McGrath** - Is it the Commission's desire that Staff ask the City Attorney to not allow school age children on the premises? **Commissioner Hallstrom** - By age, school status. **Commissioner Newton** - Or by the number of children in the building at one time. **Commissioner Calacino** - That will be occupancy load determined by the building and

fire departments. We just need an opinion from the City Attorney on how much we can regulate this. [21:32:35](#).

VOTE: Commissioner Newton – AYE, Commissioner Jensen – AYE, Commissioner Hallstrom – AYE, Commissioner Overson – AYE. Motion passes unanimously.

[21:33:43](#)

12. 30C04 **Blaine Boelter, 2729 W. 4700 S.** – New Convenience Store in C-1 Zone. (Nick Norris/Planner)

12.1 Mr. Norris oriented on the site plan, aerial map and images. [21:34:25](#) The applicant is proposing a new 2,800 square foot convenience store on this site. The existing structure would be demolished. The gas pump canopy and car wash would remain and will be cosmetically updated. Accesses have been eliminated. Access on 2700 West would be increased to 50'. Building similar to the one on 3200 West and 5400 South. Add 8' landscaping setback (see Nick's conditions).

12.1.1 **Staff recommends approval as presented, with the following modifications and conditions:**

12.1.1.1 The applicant receives approval from all applicable agencies.

12.1.1.2 The width of the drive approach on the north side of the property be reduced to 40 feet.

12.1.1.3 The landscaping setback on the north side of the property be increased to 8 feet in width, measured from the property line. The landscaping areas should be planted with a mix of shrubs, trees, or flowers.

12.1.1.4 The radius of the curb located near the car wash be reversed.

12.1.1.5 All lighting is directed away from the residential neighborhood.

12.1.1.6 A five foot wide landscaping strip be added to the south side of the parking stalls marked as "Employee Parking".

12.1.1.7 All storm drainage plans be approved by the Taylorsville city Engineer.

12.1.1.8 That final approval be granted by Staff.

12.2 **APPLICANT ADDRESS: Blaine Boelter** . [21:37:53](#). **Mr. Boelter** indicated he has been working with Staff on this. There are currently two driveway accesses on both sides of the property and agreement has been reached to close one of those on each side. There is 140' of access currently and by closing those, it will be limited down to 90'. The concern with eliminating the driveways is that the flow of the property is being restricted. The original site plan had minimal curbing and landscaping of only about 2' wide, which is enough to plant some shrubs and make a definition between the property and the sidewalk. The reason for that is to have access for the free flow of traffic around the gas canopy.

[21:40:09](#). The way it is currently set up, between the gas island itself, there is approximately 20' of space for a parked car to fuel and another car to be able to pass by there. Both such locations are very tight and narrow. Obviously a parked car is going to be parked anywhere from 2' to 4' away from a gasoline pump and so they have access to the dispenser. He made reference to the recently completed store on 5400 South, which has a similar layout and they had received a variance on 3200 West where there was a similar landscaping issue. The variance was so that the applicant did not have to widen the landscaping area. The distance between the current landscaping at that location and the gasoline pump there is 25'. **Mr. Boelter** requested a minimum 25' access for this store also. [21:42:03](#). **Commissioner Newton** questioned why the car wash was placed so close to the gasoline pumps and Mr. Boelter

advised that was built many years ago. He had no problems with any of Staff's conditions and asked for consideration of the variance he requested for this site.

12.3 **SPEAKING**: None.

12.4 **DISCUSSION**: [21:45:24](#) **Commissioner Newton** was concerned about losing any landscaping [21:46:11](#) **Commissioner Calacino** commented that at the 5400 South store location the area that received the variance was posted no parking. If this one is done similarly the 20' width should be sufficient for emergency vehicles. [21:46:43](#). He went on to say he would like to tie the landscaping all the way to the corner. [21:47:58](#) He would also like to have the sidewalk in front of the building project out to 4700 South.

12.5 **MOTION**: [21:48:41](#) **Commissioner Hallstrom** - I move for approval in accordance with Staff's recommendations and comments made. I would caution that landscaping should be preserved as far as possible but we recognize the need for safe traffic move ability through the project. Recognizing that we have a constructed area in there with the 20' wide space but still wanting to maintain the 8' landscaping too. [21:49:19](#) Staff will work with the applicant on that issue. If that cannot be worked out, then it will be brought back to the Commission.

SECOND: **Commissioner Newton**

DISCUSSION: **Mr. Norris** asked for clarification on the recommended distance between the gas pump and the landscaping on 4700 South. **Commissioner Hallstrom** [21:49:55](#) indicated that the Commission recognizes that distance is 20', which is probably adequate and if it can be done, to maintain that with the 8' landscaping. **Commissioner Calacino** said that right now Staff is asking for 8' and asked that a minimum width be established at not less than 6' between property line and back of curb.

AMENDMENT TO MOTION: [21:50:51](#) **Commissioner Hallstrom** amended his motion to establish the minimum at 6' but declared a preference to have 8' if possible. **Commissioner Newton** seconded that amendment.

VOTE: **Commissioner Newton** – AYE, **Commissioner Jensen** – AYE, **Commissioner Hallstrom** – AYE, **Commissioner Overson** – AYE. Motion passes unanimously.

13. 25C04 **Westwood Properties, 4700 S. 2700 W.** – Roof Sign (Preliminary) (Dan Udall/Planner)

Continued indefinitely by applicant.

DISCUSSION ITEM

14. **General Plan Land Use Map Discussion**. **Mr. McGrath** [21:52:05](#) advised that his intent this evening was to lay a foundation for the work session in two weeks and talk about the General Plan Steering Committee's recommendations on the general plan map. He furnished the Commission with a hand-out which identifies Zoning Ordinance and General Plan classification comparables. [22:00:27](#) He also discussed Community Commercial and Neighborhood Commercial and added that Staff would like to eliminate the Residential Commercial classification. [22:02:58](#) **Mr. McGrath** continued that during the next work session, an in-depth review of all proposed changes would be undertaken one at a time and felt that a recommendation to the City Council could probably be made in October 2004. [22:07:40](#)

MINUTES: Continued to next meeting

MEETING REVIEW [22:08:50](#). **Commissioner Jensen** advised that the City Council in their September 1, 2004 meeting, reviewed the proposals made by Holiday Oil and the Espresso Connection and decided to have a public hearing on December 17, 2004 concerning the time line for the installation of the traffic signal at 1500 West and 5400 South (Appeal of Planning Commission decision by Wal-Mart). [22:09:44](#) Mr. McGrath commented that setting the hearing date that far in the future will give Staff more opportunity to work with UDOT on the issue.

DISCUSSION: **Commissioner Newton** [22:11:14](#) felt that it was inappropriate that the Chairman had made comment on an application after the motion was made. She advised It would have been totally appropriate if the comment was made prior to the motion being made but not afterwards. **Commissioner Calacino** apologized for having done so but it was his intent to make sure reasons for approval or disapproval are substantiated for each motion made. He had felt that the motion and vote were partially based on "public clamor" and not solid evidence. **Mr. McGrath** advised that the issue of public clamor will be a topic of discussion for a work session. **Commissioner Calacino** suggested using the first hour of that work session to discuss policies and procedures. [22:21:29](#)

INFORMATION: **Commissioner Calacino** advised that he would not be in attendance for the next two Planning Commission meetings.

ADJOURNMENT: By motion of **Commissioner Newton**, the meeting was adjourned at [22:21:57](#).

Respectfully submitted by:

Jean Gallegos, Secretary/Recorder
Planning Commission

Approved in meeting held on October 12, 2004.